

**MILITARY DEFENSE COUNSEL TRIAL LITIGATION**  
**THE CENTER FOR AMERICAN AND INTERNATIONAL LAW – PLANO, TEXAS**  
**AUGUST 11-15, 2014**

**AGENDA**

**MONDAY, AUGUST 11**

- 8:00 A.M.**      **REGISTRATION, MEET AND GREET**
- 8:30 A.M.**      **WELCOME & INTRODUCTION**
- 8:40 A.M.**      **PROGRAM OVERVIEW**  
                    ***MG Mike Marchand, USA (Ret.)***
- 9:00 A.M.**      **DEVELOPING THE THEORY OF THE CASE, STORYTELLING AND OPENING**  
                    **STATEMENTS & DEMONSTRATION**  
                    ***Neal Puckett, USN HQE***
- 9:50 A.M.**      **BREAK**
- 10:00 A.M.**     **PRE-TRIAL INVESTIGATION & DISCOVERY**  
                    ***LCDR Derek Butler, JAGC, USN***
- 11:45 P.M.**     **WORKING LUNCH: INTELLIGENT VOIR DIRE IN A SEXUAL ASSAULT CASE (INCLUDING**  
                    **SAPR) & DEMONSTRATION (TIME INCLUDES 30 MINUTE LUNCH AND TWO 10 MINUTE**  
                    **BREAKS)**  
                    ***Maj Victor Kelley, USMC (Ret.)***
- 2:45 P.M.**      **ADVANCED CLASS ON SENTENCING, INCLUDING SO REGISTRATION AND OTHER**  
                    **CONSEQUENCES OF A SEXUAL ASSAULT CONVICTION (TIME INCLUDES ONE 10**  
                    **MINUTE BREAK)**  
                    ***LtCol Clay A. Plummer, USMC***
- 4:45 P.M.**      **DISCUSSION OF TOMORROW'S PRACTICE SESSIONS ON OPENING STATEMENTS &**  
                    **VOIR DIRE**  
                    ***MG Mike Marchand, USA (Ret.)***
- 5:00 P.M.**      **RECEPTION**
- 6:00 P.M.**      **RECESS**

**TUESDAY, AUGUST 12**

- 9:00 A.M.**      **SMALL GROUP PRACTICE SESSION ON VOIR DIRE**
- 9:50 A.M.**      **BREAK**
- 10:00 A.M.**     **SMALL GROUP PRACTICE SESSION ON VOIR DIRE (CONTINUED)**
- 10:50 A.M.**     **BREAK**

- 11:00 A.M.      UNLAWFUL COMMAND INFLUENCE**  
***Brian Bouffard***
- 12:00 P.M.      WORKING LUNCH: EVIDENCE (TIME INCLUDES 30 MINUTE LUNCH AND ONE 10 MINUTE BREAK)**  
***Prof. Dave Schlueter***
- 2:30 P.M.      THE SEXUAL ASSAULT EXAMINATION (TIME INCLUDES ONE 10 MINUTE BREAK)**  
***Anita L. Brown, RN, MSN, WHNP-BC, SANE-A***
- 4:00 P.M.      BLACKOUTS VERSUS PASS-OUTS, AND HOW TO OBTAIN AND USE A FORENSIC PSYCHOLOGY EXPERT**  
***Kelly R. Goodness, Ph.D.***
- 5:30 P.M.      RECESS**

**WEDNESDAY, AUGUST 13**

- 9:00 A.M.      LECTURE & DEMONSTRATION ON CROSS-EXAMINATION & IMPEACHMENT**  
***Maj Victor Kelley, USMC (Ret.)***
- 10:15 A.M.      BREAK**
- 10:30 A.M.      CROSS-EXAMINATION & IMPEACHMENT, CONTINUED**
- 11:00 A.M.      CASES & STATUTES UPDATE (INCLUDING ARTICLE 120 APPELLATE AND LEGISLATIVE ISSUES)**  
***Zachary D Spilman***
- 11:50      DEALING WITH SPECIAL VICTIMS COUNSEL**  
**(TIME INCLUDES 30 MINUTE LUNCH & ONE 10 MINUTE BREAK)**  
***Neal Puckett, USN HQE and Brian Bouffard***
- 1:30 P.M.      INSIGHTS FROM AN INVESTIGATOR (INCLUDE ASKING THE JUDGE TO FUND A CIVILIAN IN THAT ROLE)**  
***Carolyn Martin***
- 2:20 P.M.      BREAK**
- 2:30 P.M.      LECTURE –THE NCIS INVESTIGATION & FALSE CONFESSIONS (TIME INCLUDES ONE 10 MINUTE BREAK)**  
***Thomas Streed, Ph.D.***
- 4:30 P.M.      BREAK**
- 4:40      CONSENT AND MISTAKE OF FACT AS TO CONSENT**  
***Zachary D Spilman***
- 5:45 P.M.      RECESS**

**THURSDAY, AUGUST 14**

- 9:00 A.M.**      **HARDWARE & SOFTWARE—TOOLS FOR LITIGATORS (INCLUDING POWERPOINT, CREATING EXHIBITS, CHARTS)**  
*William Earnest, Ph.D.*
- 10:00 A.M.**      **BREAK**
- 10:15 A.M.**      **ROUNDTABLE DISCUSSION: ELECTRONIC APPS FOR LITIGATORS; HOW THEY USE PPT AND OTHER TOOLS DURING TRIAL; PLAN B IF TECHNOLOGY FAILS**  
*Facilitator:            Capt Russell Shinn, USMC (Ret.)*  
*Panel Members:      Pheobe Smith*  
*William Earnest, Ph.D.*
- 11:15 A.M.**      **BREAK**
- 11:25 A.M.**      **LECTURE ON TOXICOLOGY IN A SEXUAL ASSAULT CASE (TIME INCLUDES 30 MINUTE LUNCH AND TWO 5 MINUTE BREAKS) (INCLUDES ALCOHOL AND HOW IT AFFECTS CONSENT/IMPACTS ABILITY TO CONSENT)**  
*Lt Col Gerardo Ramos, USAF, BSC, Ph.D.*
- 1:35 P.M.**      **LECTURE AND DEMONSTRATION OF A DEFENSE CLOSING ARGUMENT IN A SEXUAL ASSAULT CASE (TIME INCLUDES ONE 10 MINUTE BREAK)**  
*Barry Sorrels and Bob Jarvis*
- 2:45 P.M.**      **SMALL GROUP PRACTICE SESSION ON OPENING STATEMENTS (TIME INCLUDES TWO 10 MINUTE BREAKS)**
- 5:30 P.M.**      **RECESS**

**FRIDAY, AUGUST 15**

- 9:00 A.M.**      **ETHICS PRESENTATION: CIVILIAN COUNSEL RELATIONSHIPS WITH MILITARY LAWYERS & RELATED ETHICAL ISSUES**  
*Maj Victor Kelley, USMC (Ret.)*
- 10:00 A.M.**      **BREAK**
- 10:10 A.M.**      **ROUNDTABLE DISCUSSION WITH Q&A: HOW TO WORK WITH CIVILIAN DEFENSE COUNSEL (10:10 – 10:40 ETHICS)**  
*Facilitator:            Neal Puckett, USN HQE*  
*Panel Members:      Brian Bouffard*  
*Maj Victor Kelley, USMC (Ret.)*  
*Capt Russell Shinn, USMC (Ret.)*  
*Zachary D Spilman*  
*LtCol Colby C. Vokey, USMC (Ret.)*
- 11:15 A.M.**      **PUTTING IT ALL TOGETHER**  
*MG Mike Marchand, USA (Ret.)*
- 11:30 A.M.**      **ADJOURN**